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ABSTRACT

The first article in this review examines research on student rights, administrator and faculty attitudes, and administrative remedies. The next analyzes student unrest and protest activities in terms of cause and degree, extent of government involvement, and institutional characteristics. The third article considers new and revised legislation, investigating the topics of disturbing the peace, trespass, significance of previous conviction, and rights of non-students on campus. The necessity and desirability of prior planning and coordination between police and college officials, the application of joint tactics, and the authority of police on campus provide insights concerning their role in the succeeding article. The last two articles consider the background of black protest in general, and faculty reaction to black student demands in particular. From a historical perspective, much existing research regarding black youth is viewed as inadequate, with more to be done in the areas of home environmental influence, and white teachers' needs and limitations. The causes of faculty hesitancy to respond to threats and demands, and case studies in faculty reaction, focusing largely on the Los Angeles area, are considered. (JO)

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Student Rights, Freedoms, and Involvements in Junior Colleges

RESEARCHERS STUDY JUNIOR COLLEGE STUDENT ACTIVISM

LEGISLATIVE RESPONSE: An Attorney's View

FACULTY REACTION TO BLACK STUDENT DEMANDS: 1968-69

THE ROLE OF THE POLICE IN CAMPUS DISORDERS: A Policeman's View

FOCUSING ON BLACK PROTEST

JC 700 120

RESEARCHERS STUDY JUNIOR COLLEGE STUDENT ACTIVISM

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Born in the Free Speech Movement of Berkeley in 1964, the modern era of student activism developed first and foremost in four-year colleges and universities, but eventually it spread to other levels of education including junior colleges. Much has been written about this phenomenon with regard to other levels of education, but little has been recorded about *junior college* activism—and almost no *research* has focused on the latter. (Lombardi [ED 028 767], writing about activism in junior colleges, asserts, "In no area of junior college education is there less study . . . .")

What is the scope of student unrest in American junior colleges? Are the "rights" claimed by junior college students well- or ill-founded? What reactions are evident among junior college faculty and administrators? How should acts of student protest be handled? These are but a sample of the myriad of questions that need to be answered as we strive to understand student activism and attempt to make prudent decisions regarding its causes and effects.

Reviewed here are 12 documents pertaining to certain aspects of activism in two-year colleges. All of these documents have been processed at the junior college clearinghouse for input to ERIC and are available in microfiche (MF) and hard copy (HC) from the ERIC Document Reproduction Service as explained on page 16.

Extent of Student Activism

No exhaustive survey of student activism in American junior colleges has been reported,[1] although Jones' 1968 survey [ED 028 780]—based on a 10 percent sampling of institutions listed in the 1967 *Directory of American Junior Colleges*—netted responses from 68 colleges in 30 states. On the basis of this sample, it was concluded that junior college student unrest had been primarily in the form of nonphysical protest—i.e., the writing of resolutions, petitions, and editorials. Of 201 such protests, the major issues were student publications (28), dress and appearance regulations (28), food service (26), and student representation in policy-making (23). Other issues of protest included, in descending order of frequency, student political activity, controversy involving a faculty member, student civil rights activities, controversial speakers, dissatisfaction with instruction, dormitory or off-campus housing, fraternities and sororities, allegations of poor teaching, drinking on campus, and career recruitment. Nondisruptive picketing and demonstrating accounted for 24 incidents, with student civil rights activities having the greatest number — 6. Thirteen protests of a defiant or disruptive nature were recorded; again, student civil rights activities was the leading issue, with three incidents noted.

In the ERIC/AAJC monograph series, Lombardi [ED 028 767] explains why activism in junior colleges has been moderate in comparison with the Berkeleys and Columbias of higher education. He indicates: (1) junior college students achieve their own identities largely as a result of the counseling and guidance services available to them; (2) because junior college faculty senates have not yet acquired the power and prestige of those in higher education, student personnel officers are on an equal (hierarchical) level with other administrators and, therefore, they are not hampered in the exercise of their responsibilities when crises involving students arise; (3) junior college students are less mature and more dependent on financial support from home or from their employment than are their counterparts at four-year colleges; (4) most junior college students live off campus, apart from the masses; (5) professional leaders of revolution have concentrated their disruptive efforts and financial resources on the larger, four-year campuses, where the "bringing [of] prominent colleges and universities to a halt attracts more attention than similar activity on junior college campuses;" and (6) the characteristics of junior college students (particularly as described by Patricia K. Cross, *The Junior College Student: A Research Description*, Princeton, New Jersey, Educational Testing Service, 1968) show that they are more controllable in their conduct and less flexible in their thinking.

Nevertheless, Lombardi notes that activism is not absent from junior colleges. In fact, he lists 21 types of activities that recently occurred in two-year institutions, including the "frequent presence of members of militant non-college black organizations (Black Panthers, Muslims) to get members, raise defense funds, sell newspapers, etc." He also notes the presence of students carrying guns and knives; threats of bodily harm; threats to destroy college buildings; demands for black instructors; and numerous demonstrations, strikes, walkouts, and sit-ins.

Student Rights and Freedoms

The hallmark of student protest has been in the area of student rights, although the issues have ranged from the Vietnam war to dress codes. When disruptions occur a common assertion by students in particular has been, "These are our rights; you must recognize them!" And the faculty, administrators, and laymen have typically retorted: "You don't have the right to act in that manner!" Depending on who is speaking, and to whom such statements are directed, the "rights" claimed by one might be regarded as "privileges" by the other.

Do junior college students have rights? Some people might argue that the students, by virtue of the *in loco parentis* doctrine to which some junior colleges persistently cling, do not have all of the rights to which students in four-year institutions are entitled. This point notwithstanding, junior college students have the same rights and freedoms as do

[1]The writer of this review is presently engaged in a national study of junior college student activism, in conjunction with a postdoctoral fellowship at UCLA. The results of this survey, based on responses to a questionnaire mailed to junior college deans of students, will be published in the ERIC/AAJC monograph series later this year.

nonstudents; they do not forfeit their rights or freedoms upon enrolling at an educational institution. This does not mean that they have the right to conduct themselves in any manner they wish. Indeed, courts have held that educational institutions may legally regulate the conduct of students as long as the rules and regulations are reasonable and are equitably administered [ED 026 039].

Although the list of student rights and freedoms includes freedom from discrimination on the basis of race, color, and creed; freedom from unlawful searches and seizures; and other freedoms guaranteed by the Constitution, the one that is most germane to the topic of student activism is the freedom of expression. Courts during the past decade alone have ruled that (1) public colleges cannot censor a student publication in the absence of proof that such a means of expression "materially and substantially interferes with the requirements of appropriate discipline in the operation of the school;" (2) students have no less a right to demonstrate on the campus of a state college than on the grounds of a state courthouse; and (3) state colleges may not bar the appearance of a guest speaker on the ground that he is a Communist, or on the ground that his views are not in agreement with those of a college official. During the same decade, courts have also ruled that a private educational institution is not subject to the provisions of the federal Constitution even though it has received financial assistance from the federal government; a college may prohibit acts calculated to undermine school discipline; college students do not have the right to violate the constitutional rights of others; college students cannot block the entrance or exit of a college building; college students cannot "verbally abuse another or . . . deprive him of his rights to enjoy his lawful pursuits;" and "conduct involving rowdiness, rioting, the destruction of property, the reckless display of impropriety or any unjustifiable disturbance of the public order on or off campus is indefensible . . ." [ED 026 039].

In addition to such substantive issues as the foregoing, courts have established certain minimal standards of procedural due process to which colleges must adhere in cases where suspension or expulsion might result. These are paraphrased as follows:

1. The student must be given notice of the charges against him and the ground which, if proven, would justify expulsion or suspension.
2. He must be given the names of the witnesses against him and an oral or written report on the facts to which each witness testified.
3. He must be given a hearing (public, if requested by the student) and the opportunity to confront witnesses against him and to present oral and written evidence in his defense.
4. He must be notified of the time, place, and date of the hearing and allowed sufficient time to prepare a defense.
5. Any action against him must be taken by a duly established disciplinary body operating under regular procedures.
6. A report of the findings and results of the hearing must be made available for his inspection [ED 027 005].

Attitudes toward Student Activism

In the absence of any empirical study to the contrary, it appears that the majority of junior college students are apathetic with regard to the activist roles of their more militant classmates—or, at the most, are passive observers. In Lombardi's treatise [ED 028 767], it was estimated that, nationally, no more than 2 percent of the students are active participants in campus agitations.

On occasion the activists align themselves with faculty members in opposing the administration. To the extent that faculty members find their own goals in agreement with or identical to the goals of student activists, some of them support the student activists. "This appears to be a natural alliance," Lombardi writes, "since both groups favor many of the same issues and seek freedom from administrative rules and regulations. Both attack the 'Establishment,' a vague term but one with emotional connotations to students and faculty who chafe at any restriction on their activities."

To what degree do members of the faculty support the activists, however? Or, from the other side of the issue, to what degree do junior college faculty members oppose such forces? One researcher attempted to measure this aspect in the aftermath of a campus strike at a California junior college [ED 030 423]. He found that 66 percent of the faculty supported the issues of the students to some degree, but only 1 percent agreed wholeheartedly. Twenty-six percent believed that the student issues were fictitious and, therefore, opposed the strike. Another 7 percent were unable to determine the extent to which they agreed or disagreed with the students.

In Jones' study [ED 028 780], it was reported that 3 of the 68 responding institutions characterized their faculties as leaders of student protest activities; 11, active participants; 22, passive supporters; and 32, with no discernible faculty involvement.

Faculty members react favorably toward student activism when the issues are free speech, freedom from censorship, and experimental colleges, according to Lombardi [ED 028 767], but they are more sharply divided when the issues are the Vietnam war, admissions standards, and the matriculation of minority students on a quota formula. Faculty members' opposition is greatest when acts of student protest interfere with their classes or when the issues of student protest are the appointment of minority professors and administrators to the college, the revision of grading practices, student evaluation of instruction, the hiring and firing of instructors, or a revision of the curriculum.

Junior college administrators are regarded as opponents of student activism, particularly when disruptive acts occur [ED 028 767; ED 028 780]. It is stated in one report [ED 026 039] that administrators—as the action agents in the educational bureaucracy—are in the best position to provide leadership for certain student rights. "Yet," the report continues,

> the concerned administrator, faced with the dilemma of nurturing an educational atmosphere while trying to maintain proper decorum in campus life, characteristically guards against the liberalization of student affairs. For the administrator—especially with respect to his governing board—the value of all the progressive steps taken toward the development of an "unencumbered atmosphere of intellectual freedom" can be eradicated by one riot, however minor the disturbance might be. Given the alternatives, most administrators would tend to pursue a conservative course.

Administrative Remedies

There is no single formula that all junior college administrators can follow in dealing with student activism; each campus is different, and each incident of protest calls for individual treatment. Certain principles that are based on the opinions and research of learned individuals and societies and on decisions of federal, state, and local courts can serve as guidelines, however.

Included in the opinion category are the following: Anders' review of related literature [ED 031 214]; Bagnall's outline of a contingency plan developed at a western junior college [ED 031 210]; Walker's endorsement of the "house plan" as a means of minimizing the impersonality of large student enrollments [ED 026 985]; a conference report emanating from the California Junior College Association [ED 024 398]; and Blocker's suggestions for institutional responses to student unrest [ED 027 900]. The latter suggests a thorough and critical examination of the philosophy and missions of the college and an understanding of these concepts. Further recommendations are for a reconsideration of the organization and application of the guidance services as they relate

to the present generation of students, as well as involvement of students, faculty, administration, and the governing board in the development of the institution's policies and procedures.

Research documents include Yoder's dissertation, which suggests that standards of student discipline should be developed by junior colleges [ED 022 460]. Jones' sampling of student protest revealed that as acts of protest reached the defiant stage, the administrative action involved primarily the suspension or expulsion of ringleaders, the calling in of police, and the instigation of legal action.

In recent years, various professional associations have drafted statements regarding student rights—statements that within themselves suggest certain actions or responses on the part of administrators. These are reviewed in some depth in two of the research reports [ED 026 039 and ED 028 767] as well as in Bromley's article that begins on page five.

Perhaps the most significant report is the 1967 "Joint Statement on Rights and Freedoms of Students," in which the following major sections appear:

1. the freedom of access to higher education (admissions policies)
2. freedom in the classroom (expression, academic evaluation, and disclosure of information regarding ability and character of students)
3. students records (contents of transcripts and access thereto)
4. freedom on the campus (association, inquiry and expression, institutional government and publications)
5. off-campus freedom (citizenship and civil law)
6. standards in disciplinary proceedings (standards of conduct for students, investigation of student conduct, status of student pending final action, and hearing committee procedures).

Of this and similar documents, Lombardi [ED 028 767] observes:

> These contain suggestions on the "acceptable" practices and procedures that will conform to the new freedoms won by students through conflict, persuasion, court action, and legislation.
>
> . . . By themselves the documents will not restore harmony on campus. They require acceptance by administrators; they need to be converted into campus rules supplanting those that contribute to student unrest.

Suggestions may, of course, be heeded or ignored. But court decisions legally cannot be ignored. Hence, rules and regulations formulated by junior college administrators cannot be ambiguously stated, cannot reflect discrimination against opposing points of view, and cannot be couched in terminology that is too general [ED 026 039]. As was pointed out in a Clearinghouse topical paper, a study based on a review of litigation in the area of student activism:

> Colleges may legitimately designate the place and time of [student speeches on campus] the standard of language acceptable to the academic community, and the procedures by which the event may be slated . . .
>
> Except when it is unmistakably evident that a clear and present danger exists, or a riot or disorder is imminent, or that there is an immediate threat to public safety, peace, or order, a public college cannot restrict the right of its students to assemble peaceably . . .
>
> Student publications may not be censored short of a clear showing that the writing materially and substantially interferes with the discipline of the college [ED 026 039].

Also significant have been the standards of procedural due process that were outlined by the courts for educational institutions. These, paraphrased by Witner [ED 027 005], are presented above, and were also noted in the publication entitled *Student Activism and the Junior College Administrator: Judicial Guidelines* [ED 026 039].

Needed Research

Much research is needed in the area of junior college student activism. There is a need to know the scope of activism (number of protests, issues protested, etc.); the mode of protest (circulation of petitions, burning of buildings, or whatever); sponsors of the protests (black power groups, SDS, etc.); and the immediate and long-range reactions to incidents of protest (calling in municipal police, restructuring the curriculum, revising student conduct rules). There is, furthermore, a need to know the more fundamental aspects of activism—its motivating factors among students in two-year colleges.

The Clearinghouse solicits from the field duplicate copies of any such research.

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ED 028 780
Student Protest in the Junior College; A National Survey of Student Unrest and Protest Activities in the Junior College, by Milton O. Jones. 1968. 7 p. (MF-$0.25; HC-$0.45)

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ED 031 210
A Contingency Plan to Thwart SDS Disturbances at Fullerton Junior College, by Joseph A. Bagnall. Seminar paper, 1968. 30 p. (MF-$0.25; HC-$1.60)

ED 031 214
Proposed Junior College Administrative Action and Reaction to the Student Activist, by Don F. Anders. Seminar paper, 1968. 21 p. (MF-$0.25; HC-$1.15)

ED 031 245
The Graduate in the Midst of a Revolution, by John Lombardi. A Commencement Address, 1969. 12 p. (MF-$0.25; HC-$0.70)

Student Rights, Freedoms, and Involvements

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The decade of the 1960's was characterized educationally by such terms as "student revolt," "student protest," "student dissent," "student activism," and "institutional breakdown." Place names such as Berkeley, Columbia, Wisconsin, San Francisco State, and Harvard, came to connote vivid pictures of students in confrontations with police, state militia, and campus administrators. Students became involved in campus, social, national, and international issues.

The number of articles in educational and professional journals dealing with dissension and violence and the rationale for the protests as well as numerous projections as to the future of educational institutions have increased substantially in the last five years. A majority of these articles present speculative or theoretical analyses of the student movement. And there is little doubt that the revolutionary activities on many campuses were directly related to evolutionary developments that went unheeded.

Review

Concern for student rights and responsibilities, student reactions through protest, and judiciary review of action taken by a university or college with respect to one of its students is not new. It reaches back into the previous century, at least. According to Rudolph [9:98], President Ashbel Green of Princeton University remarked of one of the six rebellions that occurred on that campus between 1800 and 1830, "the true causes of all these enormities are to be found nowhere else but in the fixed, irreconcilable and deadly hostility . . . to the whole system established in this college . . . ."

Princeton was not alone. Between 1800 and 1875, students were in rebellion on at least one occasion at Miami University, Amherst, Brown, University of South Carolina, Harvard, Yale, Dartmouth, Lafayette, Bowdoin, City College of New York, Dickinson, and DePauw.

Seventy-nine years ago a student was dismissed from a state university. The resulting decision by the Illinois Supreme Court underscored the principle of *in loco parentis*. The court upheld the university in its action of dismissal on the ground that by voluntarily entering the university, the student "necessarily surrenders many of his individual rights." No one will deny the dramatic change that has taken place in the last half-century in terms of the relationships between academic institutions and their constituents. The terms of the social contract have shifted, and the academic community has revised some of its fundamental priorities.

As early as 1955, professional organizations and groups in higher education began to draft statements and issue resolutions on student rights, freedoms, and involvements. In June 1967, representatives of five national organizations—the American Association of University Professors, the National Association of Student Personnel Administrators, the Association of American Colleges, the United States National Student Association, and the National Association of Women Deans and Counselors—prepared a joint statement on student rights and freedoms for endorsement by their respective organizations. One of the major purposes of this joint statement was to open the lines of communication between the various segments of the academic community and to direct attention to a long-overdue review of college procedures, policies, goals, and regulations.

While serving as a student personnel specialist with the American Association of Junior Colleges, Matson wrote, "In recent months two documents have been prepared which have great significance for students in community junior colleges as well as in other institutions of higher education" [6:38]. The documents to which she referred were (1) a statement of policy regarding the confidentiality of student records, issued by the American Council on Education, and (2) the "Joint Statement on Rights and Freedoms of Students." How extensively the context of these or similar documents has been woven into student handbooks, administrative thought, college procedures, and college policies is not known.

Charles C. Collins made a plea to include students in the democratic participatory process in higher education. He indicated that students rarely have an established recourse to assure a fair hearing when an injustice has occurred [2]. The number of institutions that have broadened the membership on policy-making committees by including voting student members is not known.

Research

Research efforts have been directed primarily to surveys and information on the degree of student involvement in protests, profiles of student dissenters, and analyses of causes of protests.

In the fall of 1965, Richard E. Peterson sent questionnaires to the deans of students at 996 accredited four-year, degree-granting institutions to determine the scope of organized student protest in 1964-65. The instrument contained brief statements about 27 issues concerning faculty, instruction, freedom of expression, student-administration relations, and off-campus issues. For each issue, the deans of students indicated (1) that organized protest did not occur at the institution; or (2) the frequency of the protest; and (3) the percentage of the student body involved. Eighty-two percent replied. Off-campus issues and issues of student/administration relations were mentioned by about 55 percent of the respondents. Peterson also reported that about 4 to 8 percent of the student body was involved in protest, with the largest involvement being on issues relating to student/administration relations [8].

Trent and Craise endorsed Peterson's findings with respect to degree of student involvement: "The major thesis of this paper is that the intense political activism observed on some campuses recently is not pervasive and is representative of only a small proportion of college students in the United States" [11:35]. Keniston concurred that only a small percentage of the college students are dissenters. He pointed out that *issues for protest* are a necessary ingredient—no issue, no protest.

Protests fall into two categories—on-campus and off-campus; and in some circumstances these are fused. An administration's liberal, nonrestrictive policies and concern with students' rights and freedoms can help to keep protests to a minimum [4].

In 1967-68, Milton O. Jones used a questionnaire-opinionnaire instrument to determine the degree of student unrest and protest activities in junior colleges [3:6]. As a result of the survey, Jones concluded that:

1. Student unrest activities in the junior colleges were primarily in the form of nonphysical protest
2. Twenty percent of the deans of students indicated that some faculty members took active roles in protest situations
3. Student personnel departments have made plans relative to possible protest situations—only 10 percent of the respondents indicated no planning had been done
4. Forty-five percent of the responding institutions indicated that governing boards had taken no action relative to protest situations—17 percent had adopted some policy
5. Fifty-five percent of the colleges indicated that no legal opinion had been sought concerning institutional response to protest activity
6. Respondents agreed that attempting to meet students' needs and involving students in policy-making are very important factors in precluding student unrest from developing into protest activity
7. Respondents rated the nonresidential nature of the junior colleges as the most important reason for lack of protest in these institutions.

Recently the American Council on Education undertook a survey of campus unrest. The report by Bayer and Astin [1] focuses on major incidents during the academic year and attempts to link campus unrest with a wide variety of institutional characteristics. The questionnaire requested information on each incident of campus protest, the mode of the protest, the issues, as well as the results, consequences, and changes that occurred during the academic year 1968-69. The responses were from 382 institutions—25 were two-year private colleges and 54 were two-year public colleges. One conclusion was that major protest incidents were least likely to occur in two-year colleges; none of the private two-year colleges experienced disruptive protests; and of the public two-year colleges, only about one in 20 had an incident involving a violent protest. An additional one in 20 had a nonviolent disruptive incident. Institutional size was found to be related to the occurence of violent and nonviolent disruptive protests, as the authors reported,

> None of the sample of universities or two-year colleges enrolling less than 1,000 students reported an incident of violent protest. . . . Among institutions of intermediate size (enrollment between 1,000 and 5,000 students) four per cent of the two-year colleges . . . experienced violent protest. . . . Of the very large junior colleges (enrollment over 5,000), more than a third experienced at least one such incident [1:341].

Again, on-campus issues were the most frequent rallying causes for either violent or nonviolent protests. Identifiable campus issues were:

1. instituting special educational programs for disadvantaged or minority groups
2. allowing greater student participation on committees
3. changing institutional disciplinary practices
4. challenging apparent administrative indifference or inaction to grievances
5. challenging alleged administrative indifference to local community problems [1:344].

In most instances, the administrations did not make changes as a direct result of the protests. Those making changes were most likely to grant greater power to students or form new committees or study groups or change the curriculum.

Government Involvement

Even though research has shown that only a small percentage of students took part in protest activities and that these activities occurred on relatively few of the college and university campuses in the United States, the federal and local governments have become concerned about student unrest and violence. In some instances the concern led to legislative action.

The National Commission on the Causes of Prevention of Violence, chaired by Milton S. Eisenhower, has recommended that the higher-education community attempt to reach a broad consensus on how to handle student disorders. The Commission urged the public to be patient and warned that repressive legislation could have far-reaching and dangerous consequences for higher education.

The magnitude of governmental rebuttal is indicated by new federal legislation that denies financial aid to a student convicted of a crime which involves force, destruction, or seizure of property that is under the control of any institution of higher education. Last year Governor Rockefeller signed a bill requiring New York colleges and universities to adopt rules and regulations for the "maintenance of public order" or face the risk of losing state funds.

Several states—including California and Florida—are gathering data from the community junior colleges on a number of topics related to the student movement. They ask whether a policy on student rights has been formulated, the degree of student participation on college policy-making committees, the techniques used to prevent student unrest, and whether students participate in the meetings of the governing boards.

Many colleges and universities appear to be responding to these concerns in meaningful and constructive ways. They are examining the rules, regulations, and policies that have governed students for many years. Discussion groups with students are being established, concerning curriculum, racial problems, and student freedom and responsibilities. Substantial efforts are being made to inform students, faculty, administration, and the public of the disciplinary measures established to curb excessive exuberance.

These activities must be reinforced and expanded in the decade to come. The student protest movement is not over; but in the decade of the 1970's the student reform movement should not catch the administrator in the surprised, confused, and ill-prepared situation that characterized him in the decade of the 1960's.

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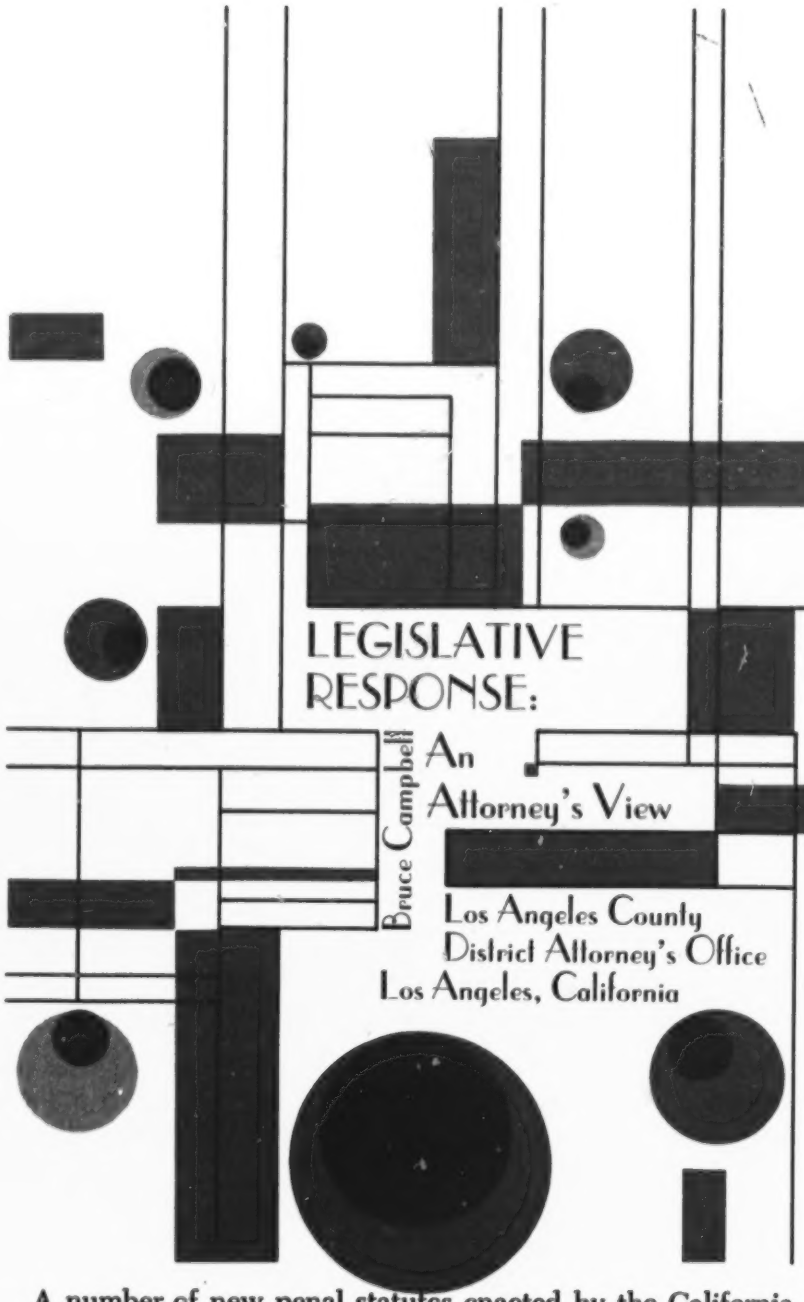


A number of new penal statutes enacted by the California Legislature in 1969 may have a strong effect on campus disturbances in this and ensuing years.

Revised Legislation

A new Section 415.5 has been added to the Penal Code, immediately following Section 415 – Disturbing the Peace. This venerable law, first enacted in California in 1872, provides that

> Every person who maliciously and willfully disturbs the peace or quiet of any neighborhood or person, by loud or unusual noise, or by tumultuous or offensive conduct, or threatening, traducing, quarreling, challenging to fight, or fighting . . . or [uses] any vulgar, profane, or indecent language within the presence or hearing of women or children, in a loud and boisterous manner, is guilty of a misdemeanor.

This law, as well as the rest of the Code, applies to acts that take place on schoolgrounds, college campuses, or anywhere else. Section 415.5 has an important effect when this type of conduct disturbs the peace of a junior college, state college, or state university. A first offense entails a maximum sentence—as does the old law – of 90 days in the county jail or a fine not to exceed $200, or both. Note that these are maximums that *may* be imposed; there is no minimum which *must* be imposed. Unlike the general *disturbing the peace* statute, however, when a junior college, state college or state university is involved, a second offense requires the court to impose a minimum of ten days in jail. This part of the sentence may *not* be suspended on a grant of probation. The maximum is six months and a fine of $500. A third conviction draws a minimum of 90 days in jail. Incidentally, the prior conviction may have been for a violation of this section or any offense outlined in a new chapter of the Penal Code that deals generally with schools, beginning with Section 626. These are discussed below.

Another statue that the Legislature has revised is Section 602 of the Penal Code which deals with the crime of trespass and the myriad ways in which it may be committed. Section 602 now provides that:

> Refusing or failing to leave a public building of a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a regularly employed guard, watchman, or custodian of the public agency owning or maintaining the building or property, if the surrounding circumstances are such as to indicate to a reasonable man that such person has no apparent lawful business to pursue; is guilty of a misdemeanor.

The traditional trespass sections have been used successfully in Los Angeles County in the misdemeanor prosecution of students and others who have come onto a campus or have entered a building – whether open to the public or not – for the purpose of interfering with the lawful business being conducted there. Note that this aspect of the trespass law requires proof that the perpetrator intended the interference when he came on the campus, or in some cases when he entered the particular building. In certain situations this proof is difficult to make, since it is possible that demonstrators may have come on to the campus, or had a right to do so, for wholly legitimate purposes; indeed, some may live there. Hence, whatever they may have done after entering might not be a crime under the traditional trespass statute. Perhaps with this in mind, the State Assembly and Senate added Section 602.10 to the Code. It does not require any particular intent when the perpetrator comes onto the campus or enters a building, but does provide that:

> Every person who, by physical force and with the intent to prevent attendance or instruction, willfully obstructs or attempts to obstruct any student or teacher seeking to attend or instruct classes at any of the campuses or facilities owned, controlled, or administered by the Regents of the University of California, the Trustees of the California State Colleges, or the governing board of a junior college district or school district maintaining a junior college shall be punished by a fine not exceeding $500, by imprisonment in a County Jail for a period of not exceeding one year, or by both such fine and imprisonment.
>
> As used in this section, "physical force" includes, but is not limited to, use of one's person, individually or in concert with others, to impede access to or movement within or otherwise to obstruct the students and teachers of the classes to which the premises are devoted.

New Legislation

In enacting a new chapter entitled "Schools" to Title XV of the Penal Code, the 1969 Legislature brought together sections relating to campus disorder previously scattered in other areas of the Code, together with some entirely new statutes. Most of these apply to junior colleges established pursuant to chapter 3 of Division 18.5 of the Education Code, as well as the University of California and the state colleges. The only exception is a section that applies to the first 12 grades and trade, technical, and adult secondary education; it establishes violation in the area of trespass and contains a scale of escalating penalties for offenders who have been convicted previously of a violation of Section 415.5 *or any other offense under this chapter*. Thus, anyone who is convicted of any of

the offenses mentioned here may receive only a nominal sentence if this is his first offense. If it is proved, however, that he was previously convicted of the same offense (or another offense under this chapter or of a violation of Section 415.5), he may be subject to a more severe sentence – including a mandatory jail sentence that may not be remitted as a condition of probation.

The offenses set up in this chapter that apply to events on junior college campuses are explained below.

Section 626.2: The substance of this section provides that a student or employee who, after a hearing, has been suspended or dismissed from a school for disrupting the orderly operation of the school, and as a condition of his suspension or dismissal has been denied access to the campus, is guilty of a misdemeanor if he comes back during the period of his suspension or within one year from his dismissal without the express written permission of the chief administrative officer. He must have been notified of his suspension or dismissal by registered or certified mail sent to the last address given by him to the school. The escalating scale of penalties applies to a conviction for violation of this section with prior convictions, and previously described.

Section 626.4 was apparently designed to cover the situation posed by a campus disturber who has come onto the campus lawfully but who wears out his welcome while there. This section provides that the chief administrative officer or someone designated by him to maintain order may notify a person that consent to remain on the campus is withdrawn whenever there is reasonable cause to believe that he has willfully disrupted the orderly operation of the campus. One who enters or remains on campus after notice that permission is withdrawn has committed a misdemeanor.

In the event that consent has been withdrawn by a designee of the chief administrative officer–rather than the chief administrative officer himself–the act is void unless he submits a written report that is approved by the chief administrative officer within 24 hours after consent has been withdrawn. This report must include a description of the person from whom consent was withdrawn and include, if available, his name, address, and telephone number, together with a statement of the facts that gave rise to the withdrawal of consent. In the absence of the chief administrative officer, someone he has designated may make the necessary confirmation.

In no case shall consent be withdrawn for longer than 14 days. Within that time the person barred may make a written request for a hearing. The chief administrative officer shall grant a hearing, to be held not less than seven days from the date of receipt of the request. A written notice of the time, date, and place of the hearing shall be mailed to him at the address indicated on the request.

The chief administrative officer may reinstate consent whenever he has reason to believe that the presence of the person from whom consent is withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility.

This section does not limit itself to students, nonstudents, employees, or any other group, but is directed at "any person." Probably for this reason, the Legislature has expressly provided that nothing contained in this section shall affect the power of the college to suspend, dismiss, or expel its students or employees.

Section 626.6 contains a broader grant of authority to college officials with respect to strangers on the campus. It provides that in any case a person who is not a student, officer, or employee and who is not required by his employment to be on the campus, enters the campus, and it reasonably appears to the chief administrative officer or to the person designated by him to maintain order that he is committing an act likely to interfere with the peaceful conduct of the activities of the campus, or has entered it for the purpose of committing such an act, the chief administrative officer or his designee may direct him to leave. If he fails to do so, or willfully and knowingly reenters within 72 hours, he is guilty of a misdemeanor. The exceptions and more elaborate procedural requirements of the preceding section are not included here. A similar scale of escalating penalties for successive violations is involved.

Miscellaneous Legislation

In addition to the foregoing, several miscellaneous bills aimed at the control of campus disorder were passed and placed in various other portions of the Penal Code. These include Section 71, which provides that anyone who attempts to cause, or does cause, any officer or employee of any public or private educational institution or any public officer or employee to do, or refrain from doing, any act in the performance of his duties, by means of a threat – directly communicated to that person – that he will inflict an unlawful injury on any person or property, and if it reasonably appears to the recipient of the threat that such threat could be carried ou, this person is guilty of a felony.

The phrase "directly communicated" includes, but is not limited to, a communication to the recipient of the threat by telephone, telegraph, or letter. No offense has been committed under this section unless the threatener *intends* to cause the officer to do or refrain from doing an act as described in the section.

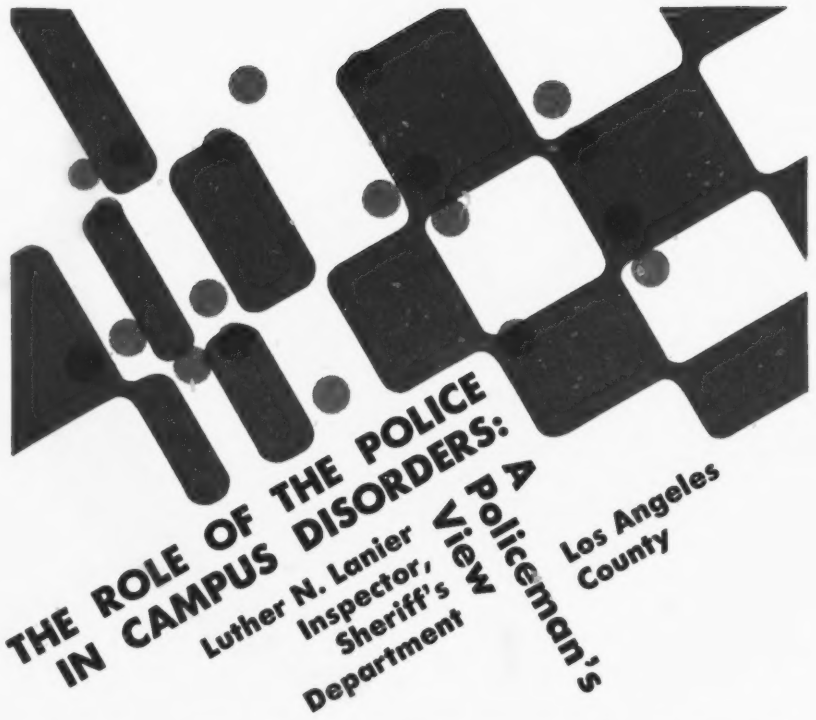
This offense may be punished by imprisonment in the state prison – unlike all the previous offenses described in this article (since those are misdemeanors only). Another felony new to the Code is involved in Section 171c which prohibits bringing a loaded firearm to the grounds of any public school. There are exceptions for peace officers and others. Oddly enough, there may be a question as to whether this law applies to junior colleges, since they are not specifically listed, and the phrase "public school" often is restricted to the first 12 grades and other noncollegiate educational institutions There are companion sections refining the definitions and authorizing examinations of weapons to determine whether or not they are loaded.

With the single exception of Section 72, inasmuch as it relates to threats to school officials and specifically refers to the private as well as the public sector, all of the new sections described in this article refer to public institutions only. The general criminal law of the State of California continues to apply everywhere. Arson, for instance, is arson wherever committed, as are assaults – punishable as such whether they take place on the campus of a public junior college, in a private university, on a street corner, or on skid row. Perhaps the misdemeanor offenses of riot, rout, and unlawful assemblies are more pertinent to this discussion. A *riot* is the use of force or violence, disturbing the public peace, or a threat accompanied by immediate power of execution by two or more persons acting together and without authority of law to act. A *rout* is the assembly of two or more persons acting together to make any attempt or advance toward the commission of an act that would be a riot if actually committed. The dispersal of an unlawful assembly before a riot or rout starts may well avoid the destruction that may attend either, as well as possible injury to persons innocently involved.

The command to disperse must contain three elements in order later to prosecute a failure to obey: (1) the person giving the command has to identify himself as a public officer; (2) he must give the command in the name of the People of the State; and (3) he must direct those who are unlawfully assembled to disperse immediately or face arrest. His announcement must be given in such a manner that it may be heard by all.

Enforcement

In enforcing Penal Code provisions, the administrator will ordinarily look first to the campus police, although the local police and sheriff's departments have concurrent jurisdiction to preserve the peace and to make arrests. Consultation in advance will promote mutual understanding.



One of the challenging problems facing police administrators and educators today is the redefinition of roles and the refining of methods and procedures to keep pace with an ever-changing society. This premise was aptly stated by Peter J. Pitchess, Sheriff of Los Angeles County, in a recent address before the Western Insurance Information Service, December 1969:

> Today, we are faced with constant change, in virtually all aspects of American life. Change causes most of us to feel a little less secure, and change always brings with it a confusion of acts and myths.
>
> Let me be more specific as to why this confusion will continue. Scientists tell us that in the next ten years, man will double his present knowledge of himself and his universe. Thus it isn't change alone, but changing conditions that bring on our confusion, and change is a never-ending phenomenon.
>
> There are many changes which are taking place in law enforcement. Our peace officers find themselves with a changing role, involving both conventional law enforcement and "Revolutionary Law Enforcement" that social evolution has created.

Increased concern with the alarming incidents of campus disorder has fostered a heightened awareness of the necessity and desirability of joint planning and actions by the police and school officials. Too often in the past, this relationship has been surrounded by debate and controversy; and that such uncertainties should exist seems rather paradoxical, since, after all, both parties seek answers to the same problems.

During recent campus disturbances, a question has been raised as to the authority of county or city law enforcement agencies on university and college campuses. In an attempt to answer this fundamental question, the California Appellate Court expressed the opinion that local city police and county sheriff's officers have full authority over the campuses of all state, city, or private educational institutions located within their respective jurisdictions. The fact that such institutions have a campus police or security force does not alter this basic responsibility held by local law enforcement agencies. Furthermore, the authority of local police or sheriff's offices to exercise their law enforcement responsibility on the campus is in no way dependent upon the request, invitation or consent of school officials [*People* v. *Bacon*, 240 Cal. App. 2d 34 (1966)].

Many who have read this opinion have expressed surprise over the fact that law enforcement officials are not required to obtain permission nor do they have to receive an emergency request from the administrative officers of a college or university before they can enter. On the basis of this opinion and other substantive decisions made by the Appellate Courts, the police could enter a college campus at their own discretion during any stage of a display of civil disobedience. Most law enforcement agencies readily recognize, however, that if this authority were exercised prematurely and without consulting with those closest to the problem – namely the responsible leaders of the college – an already explosive situation could rapidly reach catastrophic dimensions. It is for this reason that police and college administrators across the country have sought to develop methods and techniques for recognizing potential problem areas in an effort to neutralize these before they become major focal points of dissent. This attitude and policy of joint planning and responsibility has been highly successful in many cases and has made it possible for law enforcement agencies to join in planting the seeds of community understanding rather than reaping the angry products of campus disorder.

Cooperation Is Crucial

The importance of viable lines of communication between college authorities and local police officials has been graphically illustrated by a recent study ordered by Sheriff Pitchess. Recognizing the need for an in-depth study of college disturbances, he has initiated a review of the school disturbances that occurred within his jurisdiction during the fall of 1968 and spring of 1969. The results of the study indicated that the most effective method used by the sheriff's stations responsible for policing the particular schools was to present a unified front through the close coordination of law enforcement personnel and schools officials.

Findings of the Sheriff's study are consistent with opinions and evidence that have been brought to light in recent reports and publications. In an address to the Los Angeles City Council, Roger E. Murdock, former interim Police Chief of Los Angeles, stated, "Wholehearted cooperation between school administrators and law enforcement officers is the most effective answer to campus disturbances." This view is also held at the state level, as indicated by the statement of California Deputy Attorney General Robert R. Granucci: "While the Office of the Attorney General stands ready to offer assistance and advice when requested, we would emphasize that the most effective answer to school disturbances is the wholehearted cooperation of school administrators and law enforcement agencies at the local level."

Focusing our attention on this premise then, how do we obtain effective cooperation? One obvious answer is to conduct a series of meetings and establish joint communication between school officials, local police commanders, community relations officers, and intelligence officers. This necessary communication must be instituted prior to the outbreak of a school problem and be on a continuing basis if any semblance of success is to be attained. These mutual efforts should produce a number of very important results:

1. opening of informal channels of communication between school administrators and law enforcement officials
2. clarification and understanding of each agency's scope of authority and responsibility
3. removal of misconceptions about each agency's role
4. an understanding by the school officials of the law enforcement agency's policies, philosophy, and arrest procedures
5. the development of firm commitments by each agency
6. an understanding of the school administrator's policies and the privileges and limitations he will apply to students and faculty
7. development of compatible operational plans by each agency
8. formalization of clear definitions of the chains of command.

With the establishment of these lines of communication,

(continued on page 10)

FOCUSING ON BLACK PROTEST

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The motivating power behind the educational revolution that is slowly penetrating the black community originated outside the ivory tower setting but is related to the college student activist movements of the late 1960's. The complete impotence of education in relieving the intensity of racism in America inspired black students to join liberal white students in protest and then to initiate protests of their own. These activities led to numerous minor reforms at many schools and to the creation of special courses or curricula in black studies at some. Casual perusal of the facts may not, however, enable people to see the irrevocable interrelationship among the rebellions in the black community, the protest of black students, the disruptive demonstrations by white students, and the flaming rhetoric of revolutionary activists in all parts of the United States. Yet examination and understanding of these relationships is crucial to comprehending the bases for the present unrest in colleges and the directions in which this unrest is heading.

Some Basic Contradictions

The main purpose of these remarks is to delineate some of the more prominent historical circumstances of the past decade in the hope of sharpening some insights and clarifying needed research directions. Taken as a whole, historical facts of life in America represent why I, as a black college president, sympathize unequivocally with efforts to revolutionize education and eliminate racism as a factor in *all* institutions that shape and control the lives of our young people. But aims such as mine can be accomplished only if the educational enterprise will incorporate at every level an intellectual honesty that recognizes fully the rights of black Americans to be free and equal members of the society. Similarly, the white community must come to more than a superficial understanding of the events involving great black leaders and significant black movements as well as the presence of racism in every aspect of American life. Perhaps some carefully undertaken research by black investigators can supply the answers.

Indispensable as these insights are, the efforts to make progress will not be easy, because of the state of educational research at the present time. Obviously, social and educational research efforts of the future cannot follow the excessively simplistic patterns so prevalent in the past. On the contrary, future investigations must delve through sophisticated, multiple-cell designs into the highly complex intricacies of human behavior as shaped by a racist system of life. It must relate the findings to such manifestations of present contradictions as the statements of philosophy—the Constitution, the Bill of Rights, etc.—that undergird our national existence, and the Vietnam war; the belief in justice and the injustice prevailing toward black people; and the determination to pursue truth in our schools as opposed to books and courses that omit or distort the truth about minority groups in America. These contradictions constitute some of the major reasons for student disruptions, black rebellions, and general unrest. The future can be much brighter if our research efforts enable us to examine the events of the recent past with liberal minds and if they lead to effective action before it is too late.

Pioneers in Protest

Malcolm X, an early pioneer in revolutionary protest, introduced to broad public visibility the extent to which black Americans have been conditioned to oppress themselves by accepting such myths as the so-called "white superiority."

(continued from page 9)

hopefully a strong foundation of mutual trust and understanding will be structured. On this basic foundation can be constructed a program of mutual assistance—each agency using its expertise in an attempt to solve each other's problems. This problem-solving approach might best be handled through seminars for the joint training of school administrators and law enforcement command personnel. Using the seminar format, representatives from both groups can attack a multitude of potential problems. The "corporate gamesmanship" technique can be used—simulated situations and role-playing activities are utilized to arrive at mutually satisfactory solutions. This type of free exchange will stimulate cooperation, planning, and tactical coordination, as well as serve to improve the formal and informal methods of handling school incidents.

During the course of meetings between both agencies, one very important and potentially effective action that should be studied is the joint issuance of press bulletins during emergencies. Implementation of this tactic could enable both the school and the police to presents the facts of an incident to the community and the student body, thereby minimizing the effects of adverse rumors inherent in these situations.

Application of Effective Measures

Up to this point attention has been focused on the development of lines of communication between college authorities and law enforcement officials, as well as possible avenues of planning that are available to them within the scope of this program. Consideration will now be given to the practical application of tactics that have been decided on during the discussions. For the most part, campus demonstrations have been disorganized, sporadic affairs, with poor attendance, and they cause only a minimum of difficulty for campus officials. Obviously, this type of activity is best handled by the administration of the college, and by police community relations officers (if the particular issue warrants such representation). If the demonstration becomes a well-organized movement led by militant dissidents, however, further steps must be taken immediately.

By virtue of the fact that college authorities and local law enforcement agencies have planned in advance for such a situation, these steps should be well coordinated and not of an overreactionary nature. One vital step that should be taken at the outset of a major demonstration is the entry on campus of a ranking plainclothes officer of the policing agency. This action is particularly important when the number of demonstrators is high and the likelihood of a disturbance is imminent. By being on the campus, he can effectively evaluate the situation and provide the local police with an on-the-scene representative, advisor, and commander. His presence should preclude any uniformed officers being called on campus when not actually needed. The question of bringing uniformed officers on campus should be resolved by careful consideration by both school officials and police. It is, however, the responsibility of the ranking law enforcement officer to make the ultimate decision about ordering uniformed police on the campus when his considered judgment is that they are required. This is a vital point and should be stressed repeatedly during the initial stages of any mutual program, for it cannot and must not be circumvented by any means.

The responsibility for success or failure of a venture of this nature is shared by both of the agencies involved. Certainly a positive element of trust and respect must be present during all aspects of the endeavor. It is on the basis of this relationship that college administrations and law enforcement agencies will be able to present a unified and coordinated front to any group attempting to force a disruptive and violent confrontation on the college campuses.

Oddly enough, it is the shattering of this same myth that ensures for black youths now considering their educational future that a relevant and inspiring education awaits them at colleges with a new outlook, such as Malcolm X College in Chicago. Malcolm's public indictment of whites for perpetuating the myth of white supremacy underscored what Garvey had espoused some years earlier about black pride and dignity.

Malcolm X was not alone in revealing the evils of the colonial-type existence of black and white people in the United States. Frantz Fanon, another revolutionary of world renown, linked psychiatry with sociology as a means of revealing the oppressive and destructive nature, for both black and white persons, of the relationship between the colonized and the colonizer. Preston Wilcox has indicated that Harold Cruse demonstrated with scholarly precision the black-white conflict as being cultural in form and not merely political in the fragmented and narrow sense. Eldridge Cleaver revealed new intricacies of black-white and male-female human interaction on one level, and mutual self-destruction on the other. Martin Luther King, Jr., a man too human to survive, sought the collective support of his black brothers and died trying to convince white people that racism was a destructive practice that first corrupted and then destroyed.

Of interest in this discussion of activist movements and demands for more meaningful curricula in our educational system is the fact that the critical phase in Malcolm X's development as a revolutionary and an intellectual occurred in a jail cell. Similarly, Dr. King's now famous *Letter from a Birmingham Jail* moved his potential to contribute to the liberation of blacks to a higher plane. Cleaver also wrote from inside a jail house and inspired new insights by black youth. Evidently these black residents of America's jails have held in common—even while in jail—their recognition that racism is the basis of present problems. What Malcolm X had to say about white racism and "tricknology" was matched by Dr. King's essays and speeches on white America's violence and intractability. Both were consistent with Eldridge Cleaver's analysis that all institutions, from religion to education, are organized in every way to protect the white-black status quo.

Of further interest, and quite ironically so, is the evidence that much of white America viewed Malcolm X as being antiwhite; Martin Luther King as being nonviolent; and Eldridge Cleaver as being irreversibly criminal. All these conclusions are erroneous and misleading. They only emphasize the peculiar ability of this nation to assign categorical labels to black men. Moreover, these conclusions give a sharp indication of the superficiality of prevailing understandings on the part of most white people about racism and its consequences. This superficiality of outlook is probably one of the most important factors indicating a need for extensive programs of social research into the impact of white attitudes on educational practices.

As a matter of fact, Malcolm X, a nonracist, was proclaiming that one's right to be human is nonnegotiable. He also was asserting the inalienable right of the human spirit to exist as the free and exalted exemplification of God's will. Martin Luther King was engaged in violent struggle to protect his right to be nonviolent but at the same time to reveal that violence is an inherent part of American life. He, too, was dedicated to the proposition that all men must be made free, and "by any means necessary." Eldridge Cleaver, although a convicted rapist, pointed out through poignant writings that a rapist system inevitably produced rapists—and, as Dick Gregory has commented, one of the prime goals of a human society must be to deal with those factors that create the need for people to rape each other. Cleaver's plea, as with the pleas of the other protestors of the 1960's, was that man's inhumanity to man is a dehumanizing process that must cease if we are to exist as a people or, more importantly, as human beings.

The University of the Streets

These black revolutionary intellectuals, about whom the white community does not know enough, organized and developed groups to participate in a new kind of university—the university of the streets. This university was the community itself; street corners, stadiums, churches, dance halls, store fronts, picket lines, stages, bars, and jails were the classrooms. The content of the curricula was *real life:* the Birmingham bus strike; the Memphis strike; the march on Washington; the New York school integration struggle; Selma, Alabama; the Freedom Rides; the Huey Newton case; the black revolution. All of these activities made learning and doing inseparable. The authentic role of education was thus revealed as the liberating of all people, the eliminating of all injustice, and the convincing of black people of their essential educability, worth, and humanity. This is what an education that is relevant must be all about; and this is what students, white and black, are protesting about.

Research Needs

We must take a long, hard look at existing research, the needs for research in the future, and the identity of those who should do the research. Too much of the existing educational research is irrelevant and not applicable to black children and youth. Moreover, a careful reinterpretation of the existing research findings must be one of our most urgent tasks. In addition to improved educational techniques, if a more humanistic curricula is to occur, studies must also be made of neurological outcomes of the psychological battering that black children endure in classrooms and other areas during important periods of early development. There is much evidence to support the notion that development of the reticular formation may proceed along deviant lines as one consequence of being poor—not just black, but black *and* poor. These same data show that the reading problems of many black children and youth are neurologically induced as a result of psychologically based phenomena. As one example, the condition known to many as *dyslexia* may be a direct correlate of poverty and vicious discrimination practices. Research can eliminate some of the doubts in these areas.

Intensive investigations are needed of child-rearing techniques and learning styles in the black home. Such studies could lead to more effective instructional techniques for use with black children and youth. It seems logical that classroom techniques should follow as closely as possible the everyday life styles of pupils. Studies must also be conducted on how to teach the linguistic flexibility that aids immeasurably in the survival process for black Americans. Every effort must be made, however, to avoid the implication that black children and youth must be restricted to the stultifying limitations of the English language as it is used in most white middle-class homes. And even more important may be studies in the area of effective auditory training for white teachers, as well as studies of the missionary attitudes that more often than not convert the school setting into a psychological prison for the black student.

Despite the significance of the above, I strongly suspect that the greatest need at the present time is not so much for research on the behavioral characteristics of black students as on the needs and limitations of white teachers and others in the *white* community. In actuality, the American educational scene has been innundated by a proliferation of questionable research reports by researchers in disciplines ranging from linguistics to sociology. Some marginally competent professionals have developed national reputations by means of their reports on the black community which are often of dubious quality and based on assumptions that cannot stand conscientious scrutiny and analysis. In the light of this, one might suggest a river of studies to disprove the notions developed by these works. But time is running out. The problems and many of the answers are obvious: again, the problem is racism; the answer is its elimination.

FACULTY REACTION TO BLACK STUDENT DEMANDS: 1968-69

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When black student position papers and demands were first being presented to the presidents of colleges and universities, most faculty groups took little formal action. But as the movement has spread, faculty organizations are taking a more active interest. Indeed, interest has turned to concern, since faculty members are observing a growing militancy and, in many instances, a black student movement on their campuses.

By the beginning of the 1968-69 school year, faculties—reluctantly at times – perceived that the black student revolution affected them as much or more than it did the administrators. More and more, the demands of the students were directed against individual and groups of faculty members, against classroom practices, faculty tenure rights, faculty prerogatives in the selection and retention of instructors and development and control of courses and curriculums. Intimidation and assault of faculty members, which occasionally accompanied the militants' activities, made it evident that although the first casualties in the campus warfare were presidents and deans—who subsequently may have resigned, retired early, returned to the classroom, or been forced out by fatigue and exhaustion—their turn now had come. Some of the faculty members most sympathetic to the students even became fearful that the administration's capitulation to the black student demands would hurt everyone more than it would help the situation.

Faculty hesitancy to respond to the threats and demands of the black student groups is traceable to several causes. First, the faculty groups, as well as the college presidents, may have felt that black activism would not be any more difficult to control than the earlier "New Left" militancy had been. True, the concessions made then led to more liberal dress-code and freedom-of-speech policies, but they did not seem to impinge on the prerogatives of the faculty or change the structure of government. Faculty drive for more participation in college administration – through collective bargaining and negotiation—was also occurring. It is worth noting that the first strike in a junior college occurred at Henry Ford Community College in Dearborn, Michigan, in 1966 during the height of the New Left movement. Militant faculty organizations seeking concessions from their administrations could not, with consistency, oppose student efforts to obtain similar concessions. Therefore, when faculty organizations began to act, their position papers showed careful wording in regard to the right of students to dissent and to seek greater self-determination in their own affairs. Furthermore, most faculty organizations contained some liberals, who welcomed student activism and at times even helped the students prepare their position papers or encouraged the students to become more active. Militant faculty members who were opposed to the administration may have considered the student activists as their allies in the struggle [9].

Case Studies — Los Angeles

Delay and division marked the early response of various college and district faculty organizations within the Los Angeles Junior College District. The first Black Students Union (BSU) demands were presented to the President of Los Angeles City College in May 1968, followed by some demonstrations and minor violence. Other colleges were also affected by black militancy in various forms, although neither the District Senate, the District Negotiating Council, nor the college academic senates took formal action until late in the fall 1968 semester, and then only after black students engaged in extensive demonstrations, destruction of property, assaults on students and faculty, invasion of classrooms, and disruptions of faculty meetings. Then the various organizations began vying with each other in attempts to pass strong resolutions.

On January 2, 1969, the president of the College Teachers Association called attention to "the outbreaks of violence and anarchy" on the campuses and requested the district administrators to "call a public meeting to share the views of the faculty, the Administration, and the Board and to set forth precisely actions to be taken by the faculty" in disruptive

and dangerous situations [18]. The Association, during the following month, requested the College Committee of the Board of Education to assure them that the faculty would be protected from the onslaughts of students and be supported when they took punitive measures against students, particularly in excluding them from class and failing them for academic deficiency.

The AFT College Guild had been under pressure from a large segment of its membership to disassociate itself from support of student activists, and this group called an Executive Board Meeting to discuss a draft resolution on student disorder. Some of the AFT leaders were in a difficult position because they were, in principle, sympathetic to student dissent, but the local membership had reacted unfavorably to the support of BSU activities at San Francisco State College by the AFT affiliate at that college. At any rate, the draft resolution—one of the most moderate statements issued during the period—avoided polarization without yielding to the extreme demands of the students and urged the right of dissent as well as the negotiability of "all demands of students or the community." The statement was

> not intended to discuss the merits of any of the specific demands being made by students. In general, the College Guild has long supported many of the proposals. We still do. We serve notice, however, that we will not surrender the basic principle of the college, either to the militants on the left or the right, the freedom to teach and to learn. While we welcome criticism and suggestions, we will not tolerate violation of academic freedom. Teachers and students cannot be harrassed. The Guild pledges all of its resources to protect the freedom of the faculty to teach and of the students to learn [14].

The District Senate did not act until almost a year after the first BSU demands were made. Then it adopted six statements related to the issue of student activism, including the following:

> We believe that there should be no yielding to demands or threats that are destructive of life, property, or educational programs and that no decisions made by administrators because of such demand or threats should be recognized [6].

The first college faculty resolution was adopted in January 1969 at Southwest College, which was the newest and the smallest of the colleges in the Los Angeles area. With a student body of almost all blacks plus small numbers of white and Oriental students, the college does not fulfill the hopes of its community sponsors for a tri-ethnic student body. When demonstrations began occurring, the temporary, bungalow-type buildings made it easy for militants to disrupt classes and administrative offices by direct invasion or by pounding on the outside walls as they circled around. Threats to "burn-it-down" increased the fear of faculty and staff. The faculty's resolution thus expressed gratitude to the president for the security he had provided and requested additional security to cope with "the continuance of disturbances and the mounting emotional fervor." One faculty member who signed the resolution noted that "The best way to get additional security is to remove the police from the campus." A survey in December 1968 of faculty morale reveals the seriousness of the situation:

> Within the past few months our campus community has been stunned, angered, confused, frightened, offended and polarized because of the demonstrations which have taken place on our campus. We are indignant because, prior to these occurrences, the climate on our campus indicated a positive working relationship had been established with the student body and the campus was on its way to the eventual attainment of academic excellence . . . in spite of dour predictions as to the success of an academic-oriented college in this community [13].

Trade Technical College had a milder form of activism and the faculty response was supportive of the administration, with regard to penalizing students for disruptive actions, asking for campus guards, and calling for the police during disturbances. Even though the enrollment is 45 to 50 percent black, there was less activism on this campus, mainly because the students are older and are pursuing occupational curriculums; the faculty tends to be unsympathetic to black or white militancy.

A more complex situation existed at City College. There was probably as much activism, for as extended a period of time, as on any of the seven campuses in the district. Black students comprised 25 to 30 percent of the enrollment of 10,000. The faculty did not, however, reach a consensus, and this being a larger college than Southwest, the activism was more dispersed. The faculty contained a large group of liberals, most of whom belonged to an affiliate of the AFT, and they were sympathetic to student dissent. Another group of faculty members belonged to the more conservative Los Angeles chapter of the California Teachers Association, which rivals the AFT organization. Some of the liberal arts and humanities instructors and a large majority of the technical, engineering, and science instructors were conservative; that is, they were not sympathetic to the student dissent and were openly opposed to the demonstrations.

Two special faculty groups were organized, and these will be considered in some detail. It is not known how much influence these committees may have had in allaying faculty fears and adverse reactions, but their existence measured the concern of a large number of faculty members who were sympathetic to the aspirations of the blacks and wanted to try to prevent the outbreak of more serious trouble.

Faculty and Students Together (FAST) worked for the improvement of relations between faculty and students and addressed itself specifically to one of the issues—appointment of black instructors and administrators. In a memorandum to the faculty, FAST stated:

> Forty-five percent of the student population of the area served by the Los Angeles School District is composed of students from ethnic minority groups, yet their needs are not being met because minority communities lack proportional power in determining educational policy, curricula, personnel selection, finances.

FAST recommended for endorsement by the faculty several proposals to (1) revise appointment procedures to include minority members on the selection committees; (2) require selection of instructors having "theoretical and first-hand knowledge of their [minority] history and problems, and a fundamental sympathy with and understanding of their people;" (3) appointment of administrative personnel on a quota basis, that is, "where the student body is two-thirds of minority composition, a minimum of two-thirds of the deans ought to be of similar background" [10].

The other committee, which was in actuality an *ad hoc* group of counselors, drew up a proposal suggesting that the students not be penalized indiscriminately for absences during the BSU attempt to close the college during the week of March 10, 1969. The committee pointed out that students might have been absent for various reasons, such as illness, fear, apprehension, feeling sympathy with the moral issues involved but not willing to participate, as well as active participation either for or against the strike. The committee also stated:

> Students from minority communities live in two different worlds and, in so doing, frequently must make decisions that involve strong commitments, ambivalence, and possible risk to themselves based on pressures from their community and school. In these circumstances, where they view their personal integrity as being at stake, their decision may be in response to pressures outside the school [1].

There were also critical attacks and opposition to the school's handling of the demonstrations. In a letter to the Board of Education, one faculty member attacked the ad-

ministration for its reluctance to call the police to the campus and protested its "course of indecision, inaction, and appeasement . . . ," which was "leading to a continuing decline in the academic, spiritual, and moral fiber of this institution." And "persons who intimidate students and faculty, destroy property at will, disturb the peace, or deny others their constitutional rights are criminals and . . . should be arrested and prosecuted with dispatch . . ." [8].

Another example of faculty opposition to BSU activities came at Los Angeles Pierce College, where black students numbered less than 100. The faculty sponsor of the Gun Club signed a flyer entitled "Let's Tell It Like It Really Is." This flyer questioned the sincerity of two handouts by the BSU and advised Pierce College students:

> If you have the ability to read, and we know you do, the handwriting on the wall should be very apparent. The high-handed manner in which the BSU was put on campus bespeaks of a long-range plan. They were admitted on campus and in less than a week had the master plan ready to hand in with the so-called "Recommendations" listed. You be the judge; these are the facts [12].

Faculty Reaction at Other Colleges

Faculty groups usually condemned the use of intimidation, force, and violence and supported the administration in requesting the aid of police in protecting persons and property. They tried, however, to moderate the severity of their statements by expressing confidence in dialogue as a means of clarifying and negotiating educational issues [16, 17]. At San Bernardino Valley College, for example, the faculty joined with the administration to "stress their determination to have peace . . . on campus" and to warn the black students that "continued interruption of classes . . . will be dealt with firmly and appropriately." Even though this was one of the firmest statements made by a faculty group, the students were commended for their conduct during the week of the disturbances. They were urged to "work together peacefully for the common good and educational advancement of all our community" [15].

At Merritt College (in Oakland, California) the situation became very difficult, and the president of the Faculty Senate reported to the Board about "the severity of the problem," indicating that "besides the loss of college property there has been a severe loss of personal property of staff members, and that there have been physical hazards to students and faculty. . . . As a consequence, there has been a deterioration of faculty and student morale" [11].

Most faculty groups advocated leniency in dealing with student absences caused by the disturbances. At Chicago's Southeast College, after a boycott of classes in March, the president of the college recommended to the faculty that "no punitive action in connection with the settlement of the boycott will be taken" [3]. Further recommendations included such provisions as the following: no examinations will be administered in classes before March 26; and student absences from classes on March 17-18 will be considered "in light of the difficulty of accommodating work schedules, standing commitments, etc., and that such absences be treated generously" [19].

Hiring and Firing of Instructors

Nearly all faculty groups in one way or another rejected the black students' demands for a voice in the hiring and firing of instructors and administrative officials. The San Mateo faculty declared:

> . . . the employment of any individual is subject to the same process and procedure as the employment of any other individual. Moreover, the several divisions, individual members of the faculty and administration will continue to discharge their responsibilities in these processes and in recommending to the Board of Trustees the employment of specific individuals. The advice and counsel of others will be sought in the tradition of an open campus, but the responsibility for making the final decision will not be delegated [16].

There were, nevertheless, some exceptions to the rule of faculty opposition to student attacks on instructors. Two actions at Chicago's Kennedy-King College illustrate this. At one point, a ten-member faculty council recommended the transfer of two instructors who had failed to abide by the spirit of an agreement with black students of the Afro-American Club to include books by black authors in their reading lists. By a vote of 36 to 32 the faculty upheld the council's stand, and the chancellor of the district transferred the instructors [5]. Another action saw members of the social science department conducting a wildcat strike in support of the black students' demand for the ouster of a white instructor on a charge of racism; 19 of the 25 members of the department asked for her removal. Only three of the six black instructors criticized her, however. The chancellor acceded to the wishes of the students and faculty and, on the same day, also acceded to black students' demand for the replacement of the white president by a black [4].

Another incident at Kennedy-King involved the chairmen of the social sciences, humanities, and English departments. They signed agreements with the Afro-American Club "establishing and pledging compliance with certain departmental policies of requiring assignment of books by black authors" [5].

Faculty Position Papers

Faculty position papers answering the demands of black activists appeared in many colleges. They were carefully worded and gave respectful attention to the demands; many contained positive statements in sympathy and in agreement with the position of the black students. The Academic Senate of El Camino College (California) prepared a position paper directing attention to the demands and expressing the faculty's general attitude, under four main headings: "sympathy with general goals, comment on tactics of the Black Student Union, attitude toward black studies program, evaluation of non-curricular demands" [2]. The general tone of this paper was one of moderation and reasonableness, expressing the hope for a rational atmosphere where students and faculty could work together to bring about worthwhile change.

On the Central Campus of Seattle Community College, several faculty organizations worked during the early months of 1969 to prepare position papers and statements on the issues raised by the BSU. These statements reflected uneasiness over the effects of agreements made by the president, members of his staff, and the board of trustees. Members of the Applied Arts and Science Division felt very threatened by some of the BSU demands, since their educational program was in jeopardy. The BSU and SDS were attacking the tracking system and complaining about programs that prepared students only for the most menial jobs. Changes in policy could, however, result in the elimination of some occupational programs from the curriculum, the faculty felt. Some of the professional organizations indicated their respect for "movements motivated by a sincere desire to improve the educational program," although they were opposed to "any threats of action, violent or otherwise, which deny the rights of others and which are motivated by a desire to disrupt and to close the operations of the . . . college." The Seattle faculty asked that students who participated in the attempts to close the college by violence be referred to the student discipline—an action unlike the actions taken by Los Angeles, San Mateo, and Chicago faculties [17]. The Seattle Community College Federation of Teachers issued a resolution affirming belief in the involvement of students and citizens in college affairs while raising various questions regarding policy-making and decision-making problems that were being faced by the faculty at the time.

Formal Studies of Faculty Reaction

Several surveys of faculty opinion have been undertaken by means of prepared instruments or questionnaires. For instance, at Los Angeles City College, faculty members expressed their views on various aspects of the campus demonstrations that occurred during the week of March 10-14, 1969; 60 percent of the faculty completed the questionnaire [7]. Responses concerning the administration's performance during the week was supportive, with two-thirds evaluating it as generally good or outstanding. Twenty-six percent answered "outstanding, support them 100%," 41 percent answered "generally good," and 33 percent voted "poor, policy not firm enough." No one answered "poor, policy too firm." The younger faculty members (with ten years or less of teaching experience) were more supportive—77 to 50 percent—than the older members—who disapproved, 43 to 23 percent. The men approved in about the same proportions as women—68 to 64 percent. The lines of communication between faculty and administration received an adverse vote: only 12 percent of those responding answered "quite satisfactory" while 47 percent considered them "poor"; those answering "adequate, considering the circumstances" comprised 41 percent.

When asked to indicate "to what degree do you agree with the issues involved in the strike?" a wide range of answers was tabulated, but this may have been because of the wording of the choices. Only three (or 1 percent) of the respondents agreed wholeheartedly and supported the strike, while 55 (or 26 percent) answered that the "issues are fictitious, do not support in any sense." Forty percent checked item "agree with some issues, but not others." An indication of faculty sentiment toward activism may be inferred from the question: "Did you use class time during the week for discussion of the strike or strike issues?" Ten percent said "yes, on suggestion of students," 41 percent replied, "yes, on my own initiative." Nine percent answered "yes, but only after outside interruption," and 40 percent said "no."

For 54 percent of the respondents, no classes were interrupted. Another 23 percent reported one class interruption. Three class interruptions were reported by 7 percent, and four, five, or more than five interruptions were reported by 4 percent (or nine instructors). Of those whose classes were interrupted, the older instructors and the faculty men described the verbal conduct of the students who interrupted their classes as "forceful language, implied threats" (55 and 45 percent, respectively), as contrasted with 21 for younger faculty and 29 for women. No women and only five men (one young, four older) reported being assaulted.

A study by the Berkeley Center for Research and Development in Higher Education confirms the general tenor of the faculty attitudes that has been described here. The study polled the opinions of 1,069 faculty members from six colleges—including a medium-size public junior college. The majority of this faculty group favored giving students responsibility for formulating social rules and regulations. On academic matters, however, the faculty revealed a reluctance to share their prerogatives with the students. They favored some student participation in such matters, but only in a subordinant, advisory role. A significant number of faculty members nevertheless did favor an "equal vote" of students in academic matters [20].

From this brief survey of faculty reactions in several different places, it could be postulated tentatively that the liberal arts and humanities instructors in the junior colleges were likely to be sympathetic to student dissent—when they were not being endangered directly—whereas technical, occupational, and science instructors were less likely to support dissent and were more favorably disposed toward a hard line on student militants. Nearly all, when in danger, favored strong measures toward dissident students.

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